

E-Filed on October 20, 2009

DIAMOND MCCARTHY LLP

909 Fannin, Suite 1500
Houston, Texas 77010
Telephone (713) 333-5100
Facsimile (713) 333-5199

Allan B. Diamond, TX State Bar No. 05801800
Email: adiamond@diamondmccarthy.com
Eric D. Madden, TX State Bar No. 24013079
Email: emadden@diamondmccarthy.com

Special Litigation Counsel for USACM Liquidating Trust

LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Telephone (702) 949-8320
Facsimile (702) 9490-8321

Rob Charles, NV State Bar No. 006593
Email: rcharles@lrlaw.com

Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,

Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

In re:
USA SECURITIES, LLC,

Debtor.

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

JOINTLY ADMINISTERED
Chapter 11 Cases

Judge Linda B. Riegler

**NOTICE OF ENTRY OF ORDER
APPROVING APPLICATION TO
COMPROMISE AND SETTLE
CONTROVERSIES IN ADV. NO. 08-
01125**

Hearing Date: N/A
Hearing Time: N/A

PLEASE TAKE NOTICE that an Order Approving Application to Compromise and Settle Controversies in Adv. No. 08-01125 (DE #7598) was entered on the 13th day of October 2009, a true and correct copy of which is attached hereto as Exhibit "A."

Dated: October 20, 2009

DIAMOND MCCARTHY LLP

LEWIS AND ROCA LLP

By: /s/ Michael J. Yoder
Allan B. Diamond, TX 05801800 (pro hac vice)
Eric D. Madden, TX 24013079 (pro hac vice)
Michael J. Yoder, TX 24056572 (pro hac vice)
909 Fannin, Suite 1500
Houston, Texas 77010
(713) 333-5100 (telephone)
(713) 333-5199 (facsimile)

By: /s/ Rob Charles
Rob Charles, NV 6593
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169-5996
(702) 949-8320 (telephone)
(702) 949-8321 (facsimile)

*Special Litigation Counsel for
USACM Liquidating Trust*

Counsel for USACM Liquidating Trust

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of October 2009, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER APPROVING APPLICATION TO COMPROMISE AND SETTLE CONTROVERSIES IN ADVERSARY NO. 08-1125** by electronic transmission to the Post-Confirmation Service List, dated March 31, 2009, and to counsel for the Mediating Defendants as follows: (1) Barney C. Ales, Goold Patterson Ales & Day, 4496 South Pecos Rd., Las Vegas Nevada 89121, bales@gooldpatterson.com, counsel of record for Lucius Blanchard; (2) Dana Dwiggins, Solomon Dwiggins & Freer, 9060 West Cheyenne Ave., Las Vegas NV 89129, ddwiggins@sdfnvlaw.com, counsel of record for the Blanchard Children's Education Trust; (3) Timothy S. Cory, Timothy S. Cory & Associates, 8831 West Sahara Ave., Las Vegas NV 89117, tim.cory@corylaw.us, counsel of record for Thomas A. Hantges; (4) Carol Harris, Harrison, Kemp, Jones, & Coulthard LLP, Wells Fargo Tower, 3800 Howard Hughes Parkway, 17th Floor, Las Vegas NV 89169, c.harris@kempjones.com, counsel of record for Victoria Loob; and (5) Brian Holthus, Jolley, Urga, Wirth Woodbury, & Standish, Wells Fargo Tower, 3800 Howard Hughes Parkway, 16th Floor, Las Vegas NV 89169, beh@juww.com, counsel of record for Wells Fargo N.A. and the Hantges Children's Education Trust.

/s/ Catherine A. Burrow
Catherine Burrow, Legal Assistant

EXHIBIT A



Entered on Docket
October 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

DIAMOND MCCARTHY LLP

909 Fannin, Suite 1500
Houston, Texas 77010
Telephone (713) 333-5100
Facsimile (713) 333-5199

Allan B. Diamond, TX State Bar No. 05801800
Email: adiamond@diamondmccarthy.com
Eric D. Madden, TX State Bar No. 24013079
Email: emadden@diamondmccarthy.com

Special Litigation Counsel for USACM Liquidating Trust

LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321

Rob Charles, NV State Bar No. 006593
Email: rcharles@lrlaw.com

Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC

USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC

Debtors

Affects:
USA Commercial Mortgage Company

Case No.: BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

Jointly Administered Under Case No.
BK-S-06-10725-LBR

Judge Linda B. Riegle

**ORDER APPROVING
APPLICATION TO
COMPROMISE AND SETTLE
CONTROVERSIES IN
ADVERSARY NO. 08-01125**

Hearing Date: October 5, 2009
Hearing Time: 9:30 a.m.

**ORDER APPROVING APPLICATION TO COMPROMISE AND SETTLE
CONTROVERSIES IN ADVERSARY NO. 08-01125**

1 On October 5, 2009, this Court held a hearing on the Motion for Approval of Settlement
2 Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure filed by the USACM
3 Liquidating Trust, over which this Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334,
4 and of which due notice was served to all parties entitled thereto in accordance with the
5 Bankruptcy Rules and this Court's Local Rules.
6

7 The Motion requested this court enter an order approving the Settlement Agreement and
8 Release dated July 17, 2009 between the USACM Trust and Eagle Ranch LLC (the "Proposed
9 Settlement"). It appearing that the relief requested in the Motion is in the best interest of the
10 Estate, the relief requested is hereby GRANTED.
11

12 Pursuant to the Motion this Court hereby GRANTS the following relief:

- 13 1. The Proposed Settlement is approved pursuant to Federal Rule of Bankruptcy
14 Procedure 9019.
- 15 2. This Court shall retain jurisdiction to interpret and enforce the terms of the
16 Settlement Agreement and this Order Approving Settlement.
- 17 3. Neither the Settlement Agreement, nor this Order has any effect on the USACM
18 Liquidating Trust's rights and claims against, or the liability of, any of the
19 following defendants in Adversary Number 08-01125, which has been removed to
20 federal district court for trial on the merits: (1) Willowbrook Residential LLC, (2)
21 Brentwood 128, LLC, (3) Ravenswood Apply Valley LLC, (4) Anthony Monaco,
22 (5) Susan Monaco, and (6) Monaco Diversified Corporation.
- 23 4. All outstanding motions, orders, and other filings currently pending in this matter
24 are hereby resolved as to Eagle Ranch LLC.
- 25 5. All appeals of this matter are hereby resolved as to Eagle Ranch LLC.
26

CERTIFICATION PURSUANT TO LOCAL RULE 9021

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

 The court has waived the requirement of approval under LR 9021

 No parties appeared or filed written objections, and there is no trustee appointed in the case.

 X I have delivered a copy of this proposed order to all counsel, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]

Dana Dwiggins

Approved 10-7-2009

DATED: October 7, 2009.

/s/ Michael J. Yoder

Michael J. Yoder

###